

1 JORDAN ETH (CA SBN 121617)  
JEth@mofo.com  
2 JUDSON E. LOBDELL (CA SBN 146041)  
JLobdell@mofo.com  
3 ANGELA E. KLEINE (CA SBN 255643)  
AKleine@mofo.com  
4 MORRISON & FOERSTER LLP  
425 Market Street  
5 San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
6 Facsimile: (415) 268-7522

7 Attorneys for Defendants  
8 SUNPOWER CORPORATION, THOMAS H.  
WERNER, DENNIS V. ARRIOLA, EMMANUEL T.  
HERNANDEZ, JOHN B. RODMAN,  
9 T.J. RODGERS, W. STEVE ALBRECHT, BETSY S.  
ATKINS, PATRICK WOOD, III, and UWE-ERNST  
10 BUFE

11

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15

IN RE SUNPOWER SECURITIES  
LITIGATION

Case No. CV 09-5473-RS  
(Consolidated)

16

**CLASS ACTION**

17

**STIPULATION AND [PROPOSED]  
ORDER REGARDING SCHEDULING**

18

19

20

21

22

23

24

25

26

27

28

1           WHEREAS, on December 19, 2011, the Court granted in part and denied in part  
 2 Defendants SunPower Corporation, Thomas H. Werner, Dennis V. Arriola, Emmanuel T.  
 3 Hernandez, T.J. Rodgers, W. Steve Albrecht, Betsy S. Atkins, Patrick Wood, III, and Uwe-Ernst  
 4 Bufe's (collectively, "Defendants") motion to dismiss the First Amended Consolidated Class  
 5 Action Complaint (the "Complaint") of Lead Plaintiffs Arkansas Teacher Retirement System,  
 6 Första-AP Fonden, and Danske Investment Management A/S (ECF No. 178);

7           WHEREAS, the deadline for Defendants to answer the Complaint is January 9, 2012;

8           WHEREAS, the parties have agreed that Defendants shall have up to and including  
 9 January 27, 2012, to answer the Complaint;

10          WHEREAS, by the Clerk's Notice entered on October 19, 2011 (ECF No. 177), a case  
 11 management conference in the above-captioned action is scheduled for January 12, 2012;

12          WHEREAS, the parties have agreed to request a continuance of the January 12, 2012  
 13 case management conference until February 16, 2012, or such later date that is convenient for  
 14 the Court;

15          WHEREAS, if the Court grants the parties' requested continuance, counsel for the  
 16 parties have agreed to hold their Rule 26(f) conference on February 3, 2012;

17          WHEREAS, if the Court grants the parties' requested continuance, the parties have  
 18 agreed pursuant to Fed. R. Civ. P. 26(d)(1) that the parties (i) may serve requests for the  
 19 production of documents pursuant to Rules 34 and 45 beginning January 16, 2012, (ii) will not  
 20 object to the requests as premature on the grounds that the requests were served prior to the  
 21 parties' Rule 26(f) conference, and (iii) do not waive their rights to object to the requests on any  
 22 other grounds and reserve the right to request an extension of time to respond to the requests;  
 23 and

24          WHEREAS, it would conserve judicial and party resources and promote efficiency and  
 25 economy to hold the case management conference in this action after Defendants' answer is  
 26 filed, Lead Plaintiffs have reviewed the answer, and the parties have adequately addressed  
 27 scheduling, discovery, and the additional case management topics of Federal Rule of Civil  
 28 Procedure 26(f), Local Rule 16-9, and the Court's Standing Order Re: Initial Case Management.

1 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as  
 2 follows:

3 (1) Defendants shall have up to and including January 27, 2012, to answer or otherwise  
 4 respond to the Complaint;

5 (2) The Case Management Conference currently scheduled for January 12, 2012, shall be  
 6 continued to February 16, 2012, or such later date as is convenient for the Court;

7 (3) The parties shall hold their Rule 26(f) conference on or before February 3, 2012;

8 (4) The parties (i) may serve requests for the production of documents pursuant to Rules  
 9 34 and 45 beginning January 16, 2012, (ii) will not object to the requests as premature on the  
 10 grounds that the requests were served prior to the parties' Rule 26(f) conference, and (iii) do not  
 11 waive their rights to object to the requests on any other grounds and reserve the right to request an  
 12 extension of time to respond to the requests; and

13 (5) In accordance with paragraph 7 of the Court's Standing Order Re: Initial Case  
 14 Management, the parties shall file a Joint Case Management Conference Statement and Proposed  
 15 Order seven (7) days prior to the Case Management Conference.

16  
 17 Dated: January 5, 2012

Respectfully submitted,

18 MORRISON & FOERSTER LLP  
 19 JORDAN ETH (CA SBN 121617)  
 20 JUDSON LOBDELL (CA SBN 146041)  
 21 425 Market Street  
 San Francisco, CA 94105-2482  
 Tel: (415) 268-7000  
 Fax: (415) 268-7522

22  
 23 By: /s/ Judson Lobdell  
 Judson Lobdell

24  
 25 *Attorneys for Defendants SunPower Corporation, Thomas  
 H. Werner, Dennis V. Arriola, Emmanuel T. Hernandez,  
 John. D. Rodman, T.J. Rodgers, W. Steve Albrecht, Betsy  
 S. Atkins, Patrick Wood, III, and Uwe-Ernst Bufo*  
 26

1 Dated: January 5, 2012

BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP  
DAVID R. STICKNEY (CA SBN 188574)  
BENJAMIN GALDSTON (CA SBN 211114)  
DAVID R. KAPLAN (CA SBN 230144)  
12481 High Bluff Drive, Suite 300  
San Diego, CA 92130  
Tel: (858) 793-0070  
Fax: (858) 793-0323

6  
7 By: /s/ David. R. Stickney  
David R. Stickney

8 Dated: January 5, 2012

9 KESSLER TOPAZ MELTZER & CHECK, LLP  
10 RAMZI ABADOU (CA SBN 222567)  
11 ELI R. GREENSTEIN (CA SBN 217945)  
12 STACEY KAPLAN (CA SBN 241989)  
13 ERIK D. PETERSON (CA SBN 257098)  
14 580 California Street, Suite 1750  
15 San Francisco, CA 94104  
16 Tel: (415) 400-3000  
17 Fax: (415) 400-3001

18 By: /s/ Ramzi Abadou  
19 Ramzi Abadou

20 Dated: January 5, 2012

21 KAPLAN FOX & KILSHEIMER LLP  
22 LAURENCE D. KING (CA SBN 206423)  
23 350 Sansome Street, Suite 400  
24 San Francisco, CA 94104  
25 Tel: (415) 772-4700  
26 Fax: (415) 772-4707

27 By: /s/ Laurence D. King  
28 Laurence D. King

29 *Attorneys for Lead Plaintiffs Arkansas Teacher Retirement  
30 System, Första-AP Fonden, and Danske Invest  
31 Management A/S*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
2  
3 Dated: January \_\_\_, 2012

4 HONORABLE RICHARD SEEBORG  
5 UNITED STATES DISTRICT JUDGE

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 I, Angela E. Kleine, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order. In compliance with General Order No. 45 X.B., I hereby attest  
3 that Judson E. Lobdell, David R. Stickney, Ramzi Abadou, and Laurence D. King have concurred  
4 in this filing.

5

6 Dated: January 5, 2012

*/s/* *Angela E. Kleine*  
Angela E. Kleine

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28